

IN THE CLAIMS

Please amend the claims as follows:

Claims 1-20 (Canceled).

Claim 21 (Currently Amended): A mobile communication system comprising:
a mobile station and a base station connected via one or a plurality of radio channels for communication,

the base station including
traffic measuring means for measuring traffic of said one or a plurality of radio channels in the mobile communication system,

rate setting means for changing a transmission bit rate,
control means for determining the transmission bit rate based on the traffic measured by said traffic measuring means, and

signal multiplexing means for transmitting to the mobile station control information containing information about the transmission bit rate determined by said control means; and

the mobile station comprising
communication means for communicating with the base station in accordance with said information about the transmission bit rate received from the base station, wherein the mobile station is configured to transmit a signal that requests the base station to decrease the transmission bit rate, when the traffic of one or plurality of radio channels in use is smaller than a predetermined value and a command to increase a transmit power beyond a maximum transmit power is received from the base station continuously over a predetermined period.

Claim 22 (Previously Presented): The mobile communication system as claimed in claim 21, wherein the base station further comprises:

communication-quality measurement means for measuring a communication quality of said one or a plurality radio channels in use in said system, and wherein

said control means including means for determining a transmit power of the mobile station based on both the measured traffic and the measured communication quality,

the control information, transmitted to the mobile station by said signal multiplexing means, includes information for controlling a transmit power of the mobile station, and

said communication means of the mobile station including means for determining the transmit power based on said control information received from the base station.

Claim 23 (Previously Presented): The mobile communication system as claimed in claim 22 wherein the base station is configured to restrain the transmit power of the mobile station when the traffic of the one or plurality of radio channels in use is larger than a predetermined value and the communication quality of the one or plurality of radio channels in use is degraded below a predetermined level.

Claim 24 (Previously Presented): The mobile communication system as claimed in claim 22 wherein the base station is configured to decrease the transmission bit rate when the traffic of the one or plurality of radio channels in use is larger than a predetermined value and the communication quality of the one or plurality of radio channels in use is degraded below a predetermined level.

Claim 25 (Canceled).

Claim 26 (Previously Presented): The mobile communication system as claimed in claim 21 wherein the one or plurality of radio channels uses a CDMA communication scheme, and said control means includes means for determining a CDMA spreading gain.

Claim 27 (Previously Presented): The mobile communication system as claimed in claim 21 wherein said control means comprises means for transmitting identical information bits a plurality of times.

Claim 28 (Previously Presented): The mobile communication system as claimed in claim 21 wherein the one or plurality of radio channels uses a CDMA communication scheme, and said traffic measuring means includes means for measuring an entire received level of the radio channels.

Claim 29 (Currently Amended): The mobile communication system as claimed in claim 22 wherein the communication quality is one or a plurality of received carrier to interference ratios CIRs of one or a plurality of signals transmitted over one or the plurality of radio channels.

Claim 30 (Canceled).

Claim 31 (Canceled).

Claim 32 (Previously Presented): A mobile station which is connected with at least one base station via one or a plurality of radio channels, comprising:

transmission means for controlling a transmit power of the mobile station based on a power control signal received from the base station;

rate setting means for setting a transmission bit rate of the mobile station based on control information received from the base station, the control information containing information related to the transmission bit rate determined by the base station;

reception means for receiving a signal indicating a state of traffic transmitted over one or a plurality of radio channels by the base station; and

signal multiplexing means for transmitting a signal which proposes to the base station that the transmission bit rate is reduced, when the traffic of the one or plurality of radio channels is not larger than a predetermined value and the mobile station is instructed by the base station, for a predetermined period after a transmit power has reached a maximum transmit power, to increase the transmit power.

Claim 33 (Canceled).

Claim 34 (Previously Presented): A control method for a mobile station which is connected with at least one base station via one or a plurality of radio channels, comprising steps of:

transmitting a signal which proposes to the base station that a transmission bit rate of the mobile station is reduced, when traffic of said one or a plurality of radio channels in use is larger than a predetermined value and the mobile station is instructed, for a predetermined

period after a transmit power has reached a maximum transmit power, to increase the transmit power by the base station; and

reducing the transmission bit rate when a control signal to instruct the mobile station to reduce the transmission bit rate is received from the base station.